

DEAL

Kennecott escapes Superfund

Mining firm must continue its cleanup to stay off the EPA list.

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Kennecott Utah Copper Corp. will not be placed on the federal Superfund list of cleanup priorities so long as the mining giant continues its gigantic cleanup efforts.

That's the agreement that Kennecott, the U.S. Environmental Protection Agency and the Utah Department of Environmental Quality reached late Thursday after more than a year of negotiations over EPA's proposed Superfund listing for Kennecott.

"Although there are substantial cleanup activities yet to be performed," EPA and DEQ say they have sufficient evidence that Kennecott can perform the cleanups without EPA's making a Superfund listing, states the agreement.

Utah environmentalists are viewing the agreement warily, noting that it may be the result of too much political pressure by Utah's governor and congressional delegation.

In the three-way accord, Kennecott officials agree to take seven specific actions to continue studying and cleaning up 22 contaminated units around Bingham Canyon and the smelter near Magna.

For its part, the EPA agrees not to pursue the Superfund listing, promises to be reasonable in helping Kennecott meet its cleanup schedules and to work with the state to "avoid duplicate oversight costs."

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The state agrees to continue to oversee Kennecott's efforts to control water pollution from Bingham Canyon and other Kennecott facilities and to review and guide Kennecott's cleanup and study, also working to avoid duplicate oversight costs.

The agreement comes as a big victory for Kennecott officials, who were much chagrined in January 1994 when the EPA officially proposed that the company's north and south properties be placed on the Superfund list. Kennecott and the state turned to Utah's congressional delegation to meet with the EPA in Washington to "mediate" the debate over the Superfund designation.

"There's quite a stigma associated with Superfund," said Bart Van Dyken, Kennecott director of engineering. Kennecott also feared the listing would lead to disputes that would end up in court, with precious funds going toward legal expenses rather than cleanup.

Van Dyken said EPA's allowing Kennecott to take the lead will result in a better deal for the taxpayer.

The two Kennecott sites initially proposed for Superfund were the "North Zone" and the "South Zone." The North Zone roughly includes the huge tailings pond adjacent to Magna, the smelter and Kessler Canyon southeast of the

smelter. The South Zone included a huge area roughly east of the open-pit mine between Butterfield Canyon and Bingham Creek.

Both zones are contaminated by heavy metals from historic mining activities by Kennecott and countless other mining firms that since have gone out of business.

Van Dyken said Kennecott has already spent \$150 million cleaning up the sites and has budgeted another \$35 million for 1996. He said the company plans to spend \$30 million to \$35 million a year for several years after that, depending on the expense of cleaning up the most severely contaminated area, the huge plume of groundwater in southwest Salt Lake County.

Thursday's agreement is the second major environmental settlement that Kennecott has reached this year. In May, the corporation agreed to pay the state \$9 million cash and provide a \$28 million letter of credit to help assure cleanup of the groundwater contamination.

Sierra Club spokesman Scott Endicott said the groundwater settlement would never have come about were it not for the EPA's involvement.

Therefore, he said, "It's important the EPA not be cut out of this (Superfund agreement) now. . . . If it's cut out by political pressure, it would be a major catastrophe. It's been shown repeatedly that state and local governments don't have the political will to do (these major cleanups)."